

REMARKS

Objection to the Drawings

In the Office Action mailed June 1, 2006, the Examiner objected to the drawings under 37 CFR 1.83(a) stating that the drawings must show every feature of the invention specified in the claims. The Examiner noted that the "cushion ring" must be shown or the feature cancelled from the claims.

Applicant respectfully submits that the objection to the drawings under 37 CFR 1.83(a) is overcome for the reason that claims 3, 4, 19, and 20 have been cancelled.

The Examiner also objected to the drawings as failing to comply with 37 CFR 1.84(p)(4) because reference character "122" has been used to designate both a distal end and an opening (FIG. 11), and reference character "44" has been used to designate both a connection assembly and a distal end (FIGS. 4 and 5).

Applicant respectfully submits that the objection to the drawings under 37 CFR 1.84(p)(4) has been overcome. The reference character "122" used to designate the distal end has been changed to reference character "124". Reference character "44" in FIG. 4 has been amended to identify only a distal end. Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

Objection to the Specification

In the Office Action mailed June 1, 2006, the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter.

Applicant respectfully submits that the objection to the specification is overcome by the cancelling of claims 3, 4, 19, and 20. Reconsideration and withdrawal of the objection to the specification is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

In the Office Action mailed June 1, 2006, the Examiner rejected claims 3, 4, 19, and 20, under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Applicant respectfully submits that the Examiner's rejection of claims 3, 4, 19, and 20, has been obviated by the cancelling of claims 3, 4, 19, and 20. Therefore, it is respectfully requested that the Examiner withdraw his rejection of claims 3, 4, 19, and 20.

Rejection of Claims 1, 2, 17, and 18 Under 35 U.S.C. § 102

In the Office Action mailed June 1, 2006, the Examiner rejected claims 1, 2, 17, and 18 under 35 U.S.C. § 102(b) as being anticipated by Houg (US 4,689,822).

Applicant respectfully disagrees that claims 1, 2, 17, and 18 are anticipated by the Houg reference. However, in an effort to expedite prosecution of the present application, Applicant respectfully submits that the rejection of claims 1, 2, 17, and 18 has been obviated by the present amendments. That is, the Examiner has indicated that claims 5-11 and 21-23 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all the limitations of the base claim and any intervening claims. Claim 1 has been amended to incorporate the limitations of claim 5 which has been cancelled by the present amendment. Claim 6 has been amended to depend from

amended claim 1. Claim 8 has been rewritten in independent form. Claim 17 has been amended to include the limitations of claim 21 which has been cancelled. Claim 22 has been amended to depend from amended claim 17.

In view of the above, it is respectfully requested that the rejection of claims 1, 2, 17, and 18 under 35 U.S.C. § 102(b) be withdrawn.

Rejection of Claim 12 Under 35 U.S.C. § 103

In the Office Action mailed June 1, 2006, the Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Houg in view of Gardner, Jr. et al. (US 4,471,496).

Applicant respectfully disagrees that claim 12 is obvious over Houg in view of Gardner, Jr. et al. However, in an effort to expedite prosecution of the present application, Applicant respectfully submits that the rejection of claims 12 has been obviated by the present amendments. That is, the Examiner has indicated that claims 5-11 and 21-23 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all the limitations of the base claim and any intervening claims. As mentioned above, claim 1 has been amended to incorporate the limitations of claim 5.

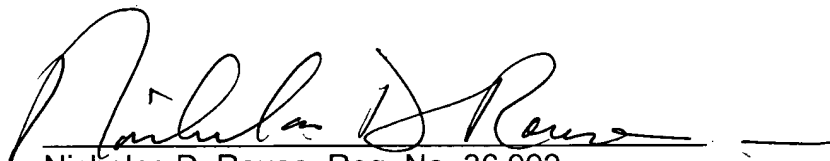
Therefore, claim 12 now depends from amended claim 1 which the Examiner has indicated is allowable. In view of the above, it is respectfully requested that the rejection of claim 12 under 35 U.S.C. § 103 be withdrawn.

Summary

It is respectfully submitted that this application is now in condition for allowance for the reasons stated above. Therefore, it is requested that the Examiner reconsider each and every objection and rejection as applicable to the claims now pending in the application and issue a timely Notice of Allowance.

This amendment is intended to be a complete response to the Office Action mailed June 1, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas D. Rouse", is written over a horizontal line.

Nicholas D. Rouse, Reg. No. 36,992
DUNLAP, CODDING & ROGERS, P.C.
P.O. Box 16370
Oklahoma City, Oklahoma 73113
Telephone: 405/607-8600
Facsimile: 405/607-8686

Attorney for Applicant

Appendix

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Title: EARMUFF HAVING ANATOMICALLY CORRECT EAR CUPS
Inventor: Michael D. Saffran Art Unit: 3765
Filed: 11-12-2003 Examiner: Richalee Lee Haney
Attorney: Nicholas D. Rouse Atty. Dkt. No.: 35050.004



ANNOTATED SHEET FOR DRAWING SHEET 4 SHOWING CHANGES

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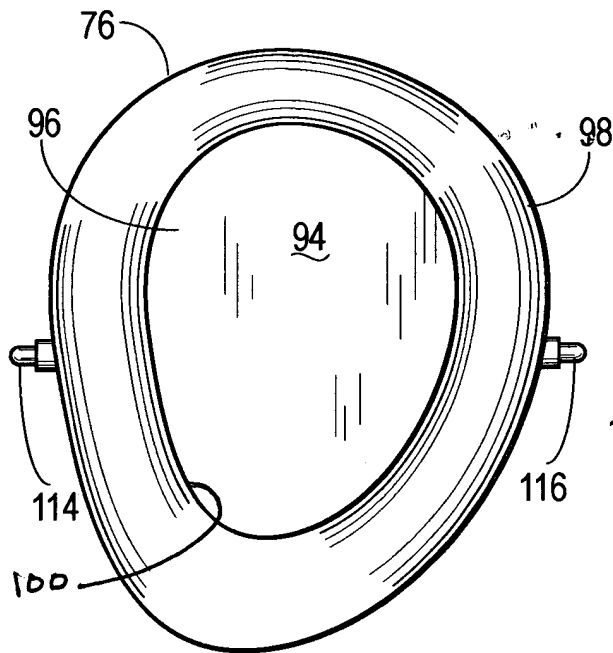


Fig. 9

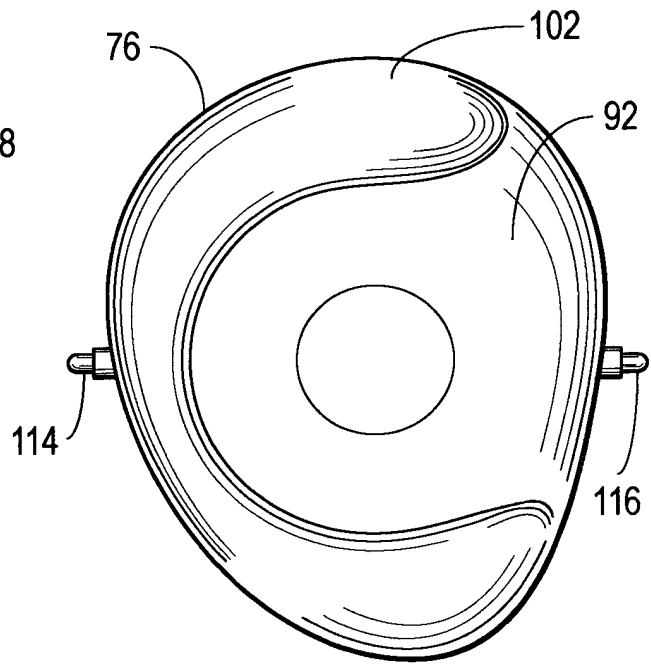


Fig. 10

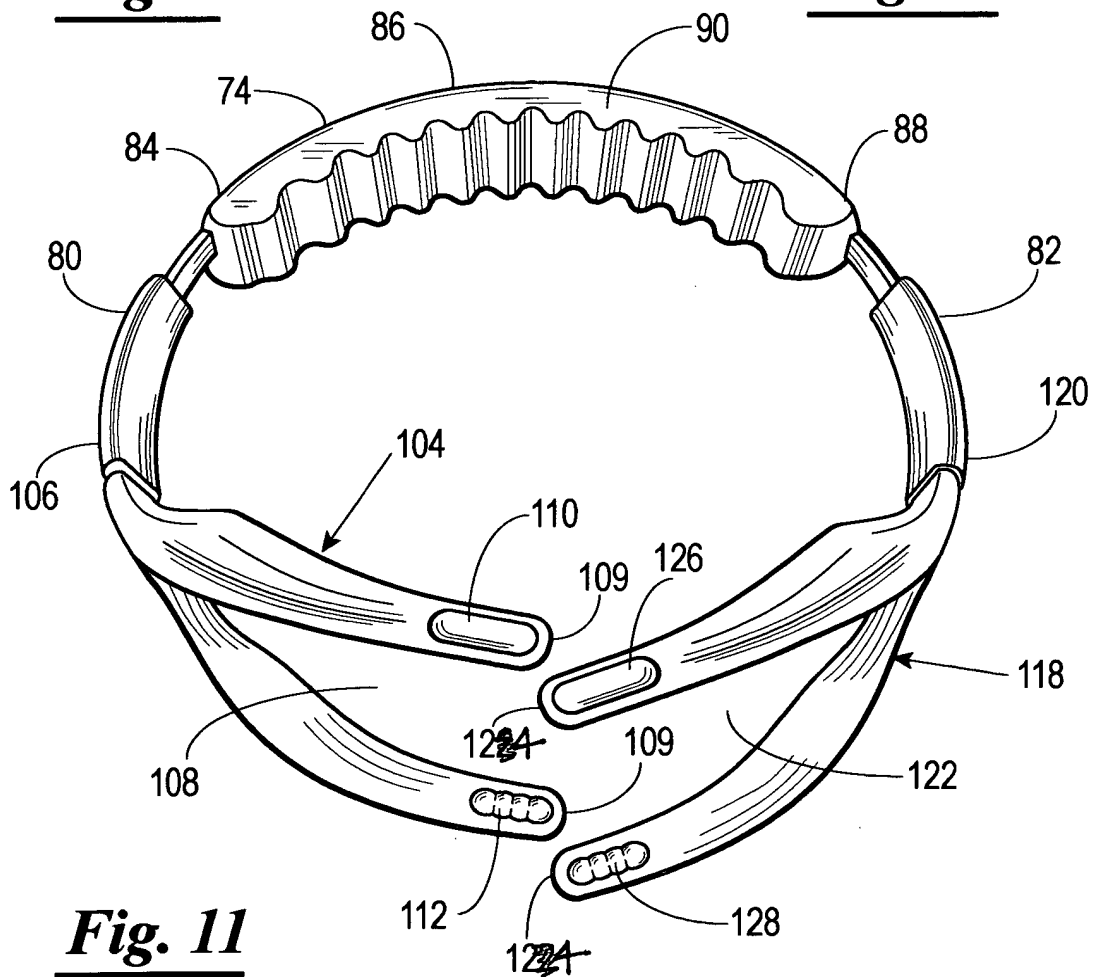


Fig. 11

ANNOTATED SHEET FOR DRAWING SHEET 2 SHOWING CHANGES

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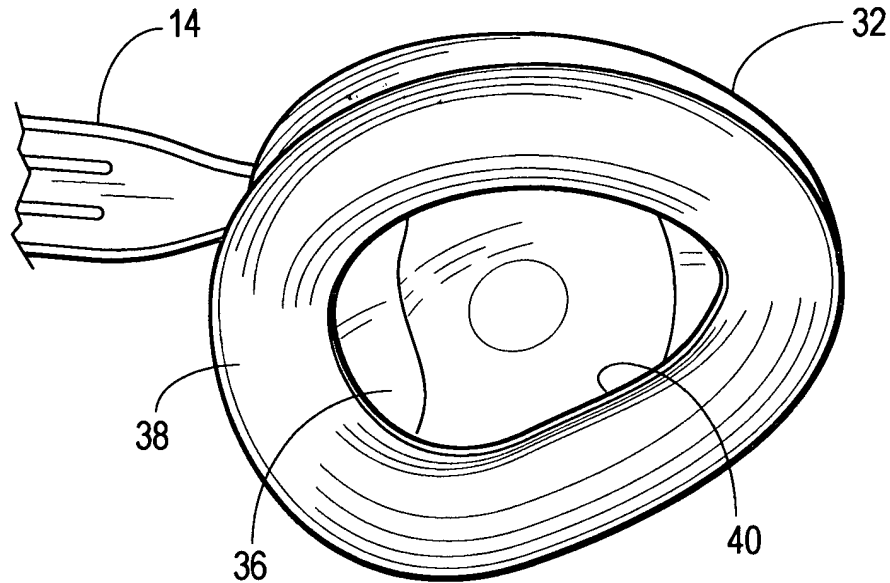


Fig. 3

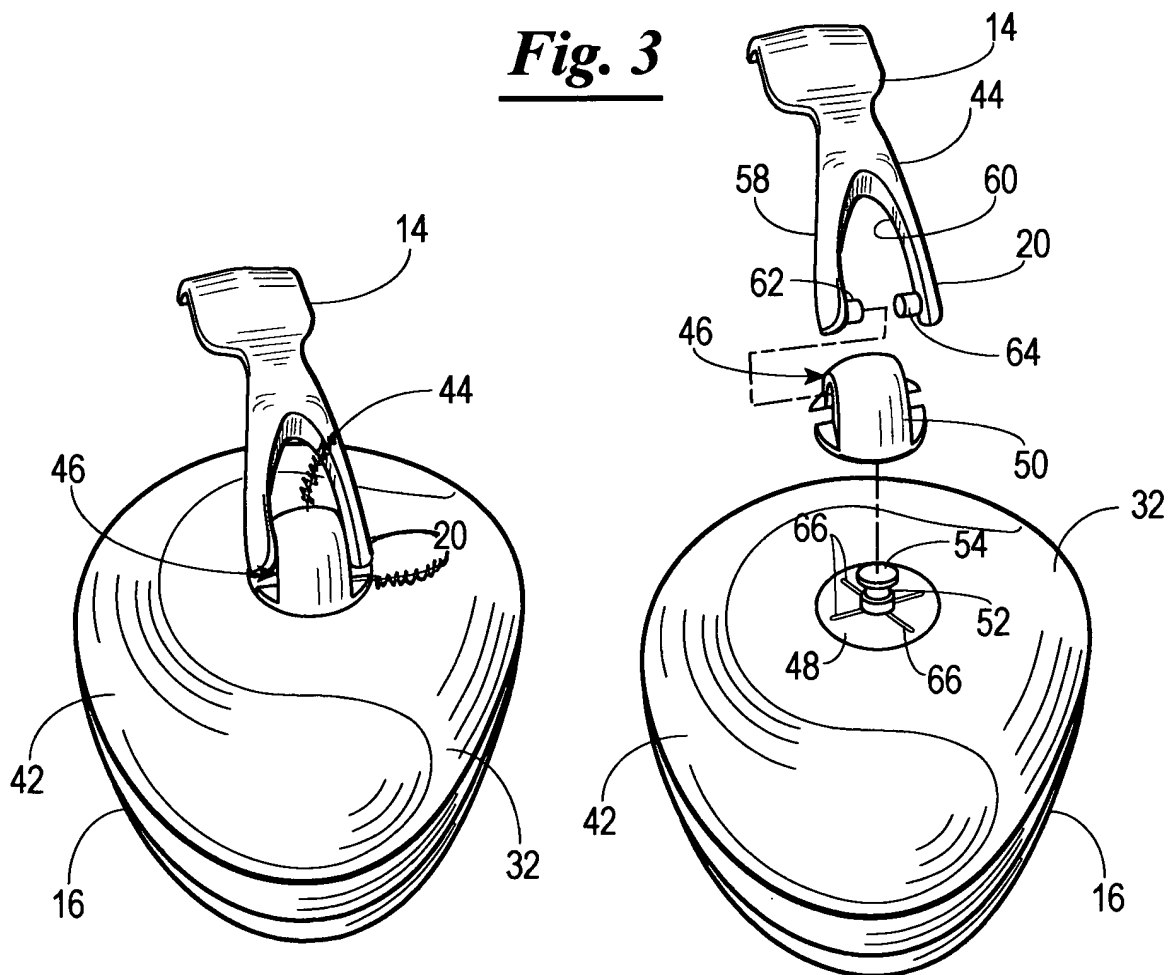


Fig. 4

Fig. 5